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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights and Freedom of Religion or Belief in Myanmar

Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Council's attention to the domestic human rights and religious freedom situation in Myanmar, officially the Republic of the Union of Myanmar. Despite significant progress in political reform, including the elections in November 2015, there remain serious concerns. Despite political reforms and some improvements in civil and political rights severe human rights violations including the systematic use of rape as a weapon of war, torture, forced labour, forced conscription of child soldiers, and extrajudicial killings continue to be perpetrated, particularly in ethnic areas; political prisoners remain in prison; and religious intolerance has emerged as a grave concern.

Political prisoners

Although Jubilee Campaign welcomes the release of many prisoners during a recent amnesty in Myanmar[1] the continuation of arbitrary arrests is troubling. Just hours after an amnesty was announced in January 2016, in which 102 prisoners were released, including at least 16 prisoners of conscience, peace activist Patrick Kum Jaa Lee was sentenced to six months in prison for "online defamation" after sharing a post on social media in which a person is seen stepping on a photo of Myanmar Army Commander in Chief, Senior General Min Aung Hlaing. [2]

Freedom of religion or belief

A major setback for religious freedom in Myanmar is a package of four laws aimed at the 'protection of race and religion'. Implemented in 2015, these laws focus on restricting religious conversion, inter-faith marriage, monogamy and population control. Under the new legislation anyone wishing to change their religion will be required to apply for permission to an 11-member committee, consisting of officials responsible for religious affairs, immigration, women's affairs and education.

The 'protection of race and religion' laws have been opposed by civil society in Myanmar and the international community, including the UN Special Rapporteur on Human Rights in Myanmar, Yangjee Lee, who highlighted "significant human rights concerns" relating to the legislation on religious conversions and inter-faith marriage which would "legalise discrimination, in particular against religious and ethnic minorities and against women".[3]

The climate of religious intolerance in Myanmar has worsened significantly in recent years, resulting in violations of freedom of religion or belief and of freedom of expression, and violence incited against religious minorities. Htin Lin Oo, a former information officer of the National League for Democracy (NLD), was convicted of religious defamation under Articles 295(a) and 298 of Myanmar's penal code and received a two-year prison sentence, after a speech he made on 23 October 2015 criticising Buddhist extremists for inciting hatred and violence.[4] A Buddhist himself, he argued that the extremist Buddhist nationalists' behaviour, and the religious intolerance spread by groups such as the Ma Ba Tha, was incompatible with the teachings of Buddhism.

Ethnic conflict

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[1] Amnesty International Press Release https://www.amnesty.org/en/latest/news/2016/01/myanmar-prisoner-amnesty-marred-by-outrageous-jailing-of-activist-for-facebook-post/

[2] Amnesty International Press Release https://www.amnesty.org/en/latest/news/2016/01/myanmar-prisoner-amnesty-marred-by-outrageous-jailing-of-activist-for-facebook-post/

[3] Special Rapporteur on Situation of Human Rights in Myanmar's Report, 23 March 2015 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_72_en.doc

[4] CSW, 'Defamation laws suggest decline in freedoms', 17 March 2015 www.csw.org.uk/2015/03/17/news/2518/article.htm

Bringing to an end decades of civil war with Myanmar's ethnic nationalities will be a key challenge facing the new government. The outgoing military-backed government began a ceasefire process, but war continues in northern Myanmar against the Kachin and Shan peoples; the situation in Kachin state is of very serious concern.

In 2011 the Myanmar Army broke a 17-year ceasefire with the Kachin Independence Army (KIA), and launched a new military offensive. In the past three and a half years at least 140,000 civilians have been displaced, 200 villagers attacked and 66 churches destroyed. Rape is used as a weapon of war. The Kachin Women's Association Thailand (KWAT) and Legal Aid Network (LAN) have documented over 70 cases of gang rape, rape, and attempted sexual violence by Myanmar army troops in Kachin and northern Shan states since June 2011.[5]

In January 2015 two Christian women were attacked, gang raped and murdered by Myanmar Army soldiers in a church compound in Kawng Kha village, northern Shan state. Maran Ly Ra, aged 20, and Tangbau Hkawn Nan Tsin, 21, were teachers from Myitkyina and worked with the Kachin Baptist Convention. CSW sources said that villagers nearby heard the girls screaming and when they went to investigate they saw Myanmar Army boot prints and the bloodied bodies of the dead girls. Church members went to the police, but no action has been taken. The KWAT and the LAT's report, *Justice Delayed, Justice Denied*[6] exposes the systematic cover-up, which extended to the highest levels, of the Myanmar Army's involvement in the case.

Military control over the police and judiciary is a key structural barrier to attaining justice in Myanmar. Since provisions of human rights treaties are not incorporated into Myanmar's constitution or laws, and the judiciary system benefits the perpetrators of abuses; intervention by the international community is necessary in order to restore justice. It is essential that perpetrators do not receive immunity from justice for crimes they have committed, and that a political and peaceful solution to the future of the ethnic nationalities in Myanmar is sought. Jubilee Campaign, together with CSW, urges the international community to prioritise this issue and provide expertise to all sides involved, working to secure a genuine peace process involving political dialogue and political settlement.

Persecution of Rohingyas

Since 2012 violence against Muslims throughout the country has erupted periodically, and hate speech is widely used by a movement of extremist Buddhist nationalists to stir up anti-Muslim sentiment. The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, has expressed concern about the influence of extreme religious nationalist movements in the political process, and the institutionalised discrimination against the Rohingya. Lack of action to tackle hate speech could amount to incitement to hatred against minorities, and discriminatory laws aimed at 'protecting race and religion' are in stark contrast to Myanmar's human rights obligations.

Persecution of the Muslim Rohingyas in Rakhine state is especially severe. The 1982 Citizenship Law stripped the Rohingyas of their citizenship, rendering them stateless. Since violence erupted in Rakhine state in 2012, thousands of Rohingyas have fled the country, risking their lives in boats on the open sea; or are internally displaced, living Internally Displaced Persons (IDP) camps with inadequate aid and denied freedom of movement.

Furthermore, Jubilee Campaign and CSW are concerned that the 2015 general election results will serve to highlight growing ethnic and religious divides in Myanmar. An estimated 20% of the population is believed to have been deliberately disenfranchised during the election: Rohingya Muslims were denied a vote on the basis of their lack of citizenship, while displaced people in the ethnic areas were excluded, and most Muslim candidates disqualified.

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[5] Asian Human Rights Commission (AHRC), 'BURMA: MYANMAR: Justice Delayed, Justice Denied', 22 January 2016 www.humanrights.asia/news/forwarded-news/AHRC-FPR-001-2016

[6] *Justice Delayed, Justice Denied: Seeking truth about sexual violence and war crime case in Burma*, Kachin Women's Association Thailand (KWAT) and Legal Aid Network (LAN) https://drive.google.com/file/d/0B43b0qOPkS0BRU1kYzA1Tkp6VjB2cmYzQ0FUMXlfbnNtb1U0/view

The November 2015 election was won by Myanmar's democracy leader, Aung San Suu Kyi, and her party, the NLD; this was the first openly contested general election in Myanmar since 1990. Nonetheless the process remained inherently flawed as a result of clauses in the 2008 constitution barring Aung San Suu Kyi from the presidency, and guaranteeing the military 25% of the seats in parliament.

Recommendations to the Human Rights Council:

- Urge Myanmar to issue an invitation to the UN Special Rapporteur on freedom of religion or belief to visit Myanmar, to investigate reports of violations of religious freedom.
- Call upon and aid the government of Myanmar to implement recommendations made in successive UN reports on Myanmar's domestic human rights situation;
- Urge the government of Myanmar to declare a nationwide ceasefire and an end to military attacks against ethnic civilians;
- Call for the urgent protection of IDPs, and for the government and army to immediately cease its attacks on Kachin State;
- Urge the government of Myanmar to halt violations of human rights by security forces, including bringing to an end the widespread use of rape as a weapon of war, forced labour, torture and killings;
- Call for the repeal of the 1982 Citizenship Law. A new law on citizenship rights should be founded on the principles of non-discrimination and equality, providing full citizenship for people regardless of their religious affiliation;
- Urge Myanmar to release unconditionally all prisoners of conscience;
- Urge Myanmar to take steps to protect and promote freedom of religion or belief and freedom of expression for all.

Christian Solidarity Worldwide, an NGO without consultative status, also shares the views expressed in this statement.